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Superior Court of California,
County of San Diego

06/09/2017 at 01:31:00 PM
Clerk of the Superior Court
By Cody Newlan, Deputy Clerk

Attorneys for MELISSA ESCALERA

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO - CENTRAL DIVISION

MELISSA ESCALERA, on behalf of herself and all others similarly situated,

Plaintiff,

vs.

SHARP HEALTHCARE, a California Corporation;
GROSSMONT HOSPITAL CORPORATION dba
SHARP GROSSMONT HOSPITAL, a California
Corporation and DOES 1- 100, inclusive,

Defendants.

Case No. 37-2016-00017392-CU-PO-CTL

[E-FILE]

**PLAINTIFF'S NOTICE AND UNOPPOSED
EX PARTE APPLICATION FOR DISMISSAL
WITHOUT PREJUDICE OF CLASS ACTION
CLAIMS AGAINST DEFENDANTS**

Date: June 13, 2017

Time: 8:45 a.m.

Dept: 68

Judge: Hon Judith F. Hayes

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on June 13, 2017 at 8:45 a.m., in Department 68 of the San Diego Superior Court, 330 West Broadway, San Diego, CA 92101, Plaintiff Melissa Escalera will and does apply to this Court *ex parte* under California Code of Civil Procedure § 1005(b) and California Rule of Court 3.770 for an order dismissing this putative class action Case No. 37-2016-00017392-CU-PO-CTL (the “Escalera Action”).

Plaintiff requests a dismissal without prejudice and for a waiver of costs of the individual and class claims relating to Defendants Sharp Healthcare and Grossmont Hospital Corporation dba Sharp

1 Grossmont Hospital (collectively “Sharp”) in the Escalera Action.

2 Plaintiff Escalera requests dismissal due to personal issues that have arisen over the last couple of
3 months, and because there is a similar case pending that will protect the putative class members’
4 interests. On January 12, 2017, Plaintiff Carla Jones filed related Case No. 37-2017-00001377-CU-NP-
5 CTL (the “Jones Action”), which alleges nearly identical claims against the same Defendants (Sharp) as
6 the Escalera Action. Plaintiff and Plaintiff’s counsel believe it best to dismiss the Escalera Action
7 without prejudice and have the class action claims pursued in the Jones Action with Plaintiff Jones acting
8 as the proposed class representative.

9 The reasons for the requested dismissal of Plaintiff’s claims are verified in the Declaration of
10 Elizabeth A. Mitchell, also submitted with this motion in compliance with California Rule of Court
11 3.770(a). As set forth in the Mitchell Declaration, neither Plaintiff Escalera nor her counsel have
12 received any compensation in exchange for the requested dismissal of the class claims in this case.

13 There is no need to provide notice to the class because no class has been certified and the
14 dismissal will not prejudice the class because the identical class claims will be pursued in the Jones
15 Action. California Rule of Court 3.770(c).

16 Dated: June 9, 2017

PATTERSON LAW GROUP, APC

17
18 By: 
Elizabeth A. Mitchell

20 Attorneys for Plaintiff